

REMARKS

Claims 1-28 are pending and under consideration.

In the Office Action of January 12, 2005, claims 15-28 were rejected in view of *Kelly, et al.* (USP 6,080,501). Claims 1-14 were rejected in view of *Kelly, et al.* and *Bass, et al.* (USP 6,001,500).

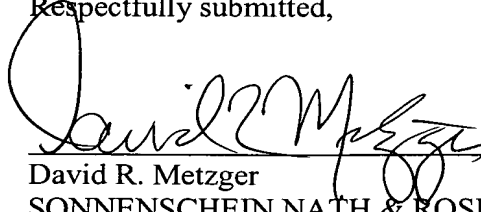
In response, and without conceding the merits of the rejections, independent claims 1, 12, 13, 15, 26 and 27 have been amended to more specifically characterize the ion exchange member. Each independent claim now recites that (1) the proton conduction comprises a polymer material and that (2) said ion exchange member also comprises a carbon cluster derivative including a plurality of functional groups so as to be capable of transferring a plurality of protons between each of the functional groups of the carbon cluster derivative. No new matter has been added.

This membrane is the subject of USP 6,495,290, also assigned to the assignee of the present application.

In contrast, *Kelly, et al.* and *Bass, et al.*, use ion exchange members comprising NAFION[®], an ionomer product. See col. 3, lines 37-4, USP 6,080,501. It is submitted that the presently claimed ion exchange member is not disclosed or fairly taught by the cited art.

Accordingly, it is submitted that claims 1-28 are patentable and that the application is on condition for allowance. Notice to that effect is requested.

Respectfully submitted,



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